**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH**

**FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929**

**WP(C).No. 15253 of 2004(N)**
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**PETITIONER:**
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**M.I.AUGUSTY KUTTY, MANJALI HOUSE,**
**ATTUPURAM, AYIROOR.P.O., KURUMASSERY,**
**ERNAKULAM.**

**BY ADV. SRI.M.P.ASHOK KUMAR**

**RESPONDENTS:**
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**1. THE KUNNUKARA GRAMA PANCHAYATH,**
**ERNAKULAM DISTRICT REPRESENTED BY ITS**
**SECRETARY.**

**2. THE ASSISTANT ENGINEER, LOCAL SELF-GOVT.**
**DEPARTMENT (PWD) SECTION, KANNUKARA, ERNAKULAM**
**DISTRICT.**

**GOVERNMENT PLEADER SMT. K.R.DEEPA**
**R1 BY ADV. SRI.T.MADHU**
**SRI.P.O.THOMAS**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**WP(C) NO: 15253/2004**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1. COPY OF THE TENDER SCHEDULE.**

**EXT.P2. COPY OF THE LETTER NO. A5/184/04 DT. 4/3/04.**

**EXT.P3. COPY OF THE REQUEST FILED BY THE PETITIONER DT. 09/03/04.**

**EXT.P4. COPY OF THE EXPLANATION BY THE PETITIONER BEFORE THE R1 DT. 13/4/04.**

**EXT.P5. COPY OF THE NOTICE DATED 27/3/04.**

**RESPONDENT'S EXHIBITS** **NIL.**

*True copy*

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**KURIAN JOSEPH, J.**

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**W.P.(C) NO. 15253 OF 2004**

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**Dated this the 7th day of December, 2007.**

**J U D G M E N T**

Petitioner approached this Court aggrieved by Exhibit P5 notice issued by the first respondent. The contention of the petitioner is that Exhibit P5 is issued absolutely without jurisdiction. Learned counsel for the respondents submits that in the event of the petitioner submitting his objection before the first respondent, the matter will be duly considered by the first respondent. Therefore, this writ petition is disposed of as follows:

2. In the event of the petitioner filing his objection to Exhibit P5 within a period of one month from today, the matter will be duly considered by the first respondent with notice to the petitioner and appropriate orders in accordance with law will be passed within a period of another three months. Intervening developments in the matter will also be taken into consideration by the first respondent.

**KURIAN JOSEPH, JUDGE.**

smp